

FILED
6/25/2021 2:41 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
Firm ID # 43340
COOK COUNTY, IL
13829103

JC/PCA

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

KATHRYN McNULTY, individually)
and as Mother and Next Friend of)
MILES McNULTY, a minor,)

Plaintiff,)

v.)

No. 2021L006558

PETCO ANIMAL SUPPLY PRODUCTS,)
INC. and REDBARN PET PRODUCTS,)
LLC, and THOMAS GALLOY,)

Defendants.)

COMPLAINT AT LAW

NOW COMES the Plaintiff, KATHRYN McNULTY, individually and as mother and next friend of MILES McNULTY, a minor, by and through her attorneys, SHANNON LAW GROUP, P.C., and complaining of Defendants, PETCO ANIMAL SUPPLY PRODUCTS, INC. and REDBARN PET PRODUCTS, LLC, and THOMAS GALLOY, states as follows:

The parties

1. On July 25, 2019 and at all times relevant, Plaintiff, KATHRYN McNULTY, was a resident of Chicago, Cook County, Illinois.
2. On July 25, 2019, KATHRYN McNULTY's son, MILES McNULTY, was a minor, 8 years of age. Miles McNulty's date of birth is October 22, 2010.
3. On July 25, 2019 and at all times relevant, MILES McNULTY was a resident of Chicago, Cook County, Illinois.

4. On July 25, 2019 and at all times relevant, Defendant, PETCO ANIMAL SUPPLY PRODUCTS, INC., was incorporated in Delaware.

5. On July 25, 2019 and at all times relevant, Defendant, PETCO ANIMAL SUPPLY PRODUCTS, INC., was doing business in Cook County, Illinois.

6. On July 25, 2019 and at all times relevant, Defendant, PETCO ANIMAL SUPPLY PRODUCTS, INC., owned, operated, controlled and maintained Petco Store #1990 located at 9670 S. Western Avenue in Chicago, Cook County, Illinois.

7. On July 25, 2019 and at all times relevant, Defendant, REDBARN PET PRODUCTS, LLC, was a limited liability company organized under the laws of the state of Kansas.

8. On July 25, 2019 and at all times relevant, Defendant, REDBARN PET PRODUCTS, LLC, was doing business in Cook County, Illinois.

9. On July 25, 2019 and at all times relevant, Defendant, REDBARN PET PRODUCTS, LLC, was in the business of manufacturing pet products, including pig ear dog treats and releasing such products into the stream of commerce.

10. On and before July 25, 2019 Defendant, REDBARN PET PRODUCTS, LLC, supplied its products, including pig ear dog treats to Petco stores, including Petco Store #1990 located at 9670 S. Western Avenue in Chicago, Cook County, Illinois.

11. On July 25, 2019, and at all times relevant, Defendant, THOMAS GALLOY, was an employee and/or agent of Defendant, PETCO ANIMAL SUPPLY PRODUCTS, INC., and was the general manager at Petco Store #1990 located at 9670 S. Western Avenue in Chicago, Cook County, Illinois.

12. At all times relevant, Defendant, THOMAS GALLOY, was a resident of Monee, Illinois.

Facts common to all counts

13. On July 3, 2019, the U.S. Food and Drug Administration (“FDA”) and the U.S. Centers for Disease Control and Prevention (“CDC”) began an investigation into a link between contaminated bulk pig ear treats sold in retail pet stores across the country and human cases of salmonella. The CDC specifically cautioned that the treats should be kept away from children.

14. That same day, July 3, 2019, some major pet product retailers began to voluntarily recall contaminated bulk pig ear dog treats.

15. By July 9, 2019, major news outlets such as USA Today reported that a multi-state outbreak of Salmonella infections linked to exposure to contaminated pig ear treats had infected 45 people across 13 states, including Illinois.

16. As of July 17, 2019, the CDC reported that 93 people across 27 states had become infected with Salmonella due to coming in contact with the contaminated pig ears, over 20% of which were children less than 5 years old.

17. On July 25, 2019, bulk pig ear dog treats contaminated with salmonella remained available for sale and accessible to customers at Petco Store #1990 located at 9670 S. Western Avenue in Chicago, Illinois.

18. On July 25, 2019, Miles McNulty was with his mother, Kathryn McNulty, inside the Petco Store #1990 located at 9670 S. Western Avenue in Chicago, Illinois to make purchases for their family dog.

19. On July 25, 2019, while in the Petco store, Miles McNulty picked up a pig ear dog treat from a bulk sales bin and asked his mother what it was.

COUNT I – STRICT PRODUCTS LIABILITY
KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor v.
PETCO ANIMAL SUPPLY STORES, INC.

1-19. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-19 of the “Parties” and “Facts common to all counts” sections above, as though fully set forth here as paragraphs 1-19 of this Count I.

20. On July 25, 2019 and at all times relevant, Defendant, PETCO ANIMAL SUPPLY STORES, INC. placed the subject bulk pig ear dog treats into the stream of commerce by making them available for sale to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois.

21. Defendant, PETCO ANIMAL SUPPLY STORES, INC., marketed and sold the subject bulk pig ear dog treats to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois.

22. At all times relevant, and by at least July 3, 2019, Defendant, PETCO ANIMAL SUPPLY STORES, INC., knew or should have known that the bulk pig ear dog treats that it made available for sale to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois were contaminated with salmonella.

23. At all times relevant, and by at least July 3, 2019, it was reasonably foreseeable that customers would become exposed to salmonella and risk becoming infected with salmonella

through contact with salmonella-contaminated bulk pig ear dog treats made available for sale to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois.

24. At the time Defendant, PETCO ANIMAL SUPPLY STORES, INC., placed the subject bulk pig ear dog treats into the stream of commerce by making available to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, the bulk pig ear dog treats were contaminated with salmonella and therefore were unreasonably dangerous, unsafe, and the risks of selling them to customers outweighed the benefits of the product in one or more of the following ways:

- (a) The product presented an unreasonable risk of salmonella exposure to Defendant's customers through exposure to bulk pig ear dog treats contaminated with salmonella;
- (b) Created an unreasonable risk of harm to Defendant's customers by continuing to make the contaminated pig ear dog treats available and accessible to customers;
- (c) Exposed customers and individuals, including Miles McNulty to an unnecessary and unreasonable risk of contracting an infection caused by exposure to salmonella;
- (d) Failed to warn users of the unreasonably dangerous condition posed by exposure to salmonella-contaminated pig ear dog treats.

25. As a direct and proximate result of his exposure to the subject salmonella-contaminated pig ear dog treats while at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, Miles McNulty became infected with Salmonella, resulting in a 5-day inpatient hospitalization and additional medical care and treatment.

26. As a direct and proximate result of his exposure to the unreasonably dangerous salmonella-contaminated pig ear dog treats, Miles McNulty endured conscious physical and mental pain and suffering, and will in the future endure conscious physical and mental pain and suffering; Miles has suffered disability and loss of a normal life and will in the future suffer disability and loss of a normal life as a result of the occurrence.

27. Kathryn McNulty brings this action to recover against Defendant on behalf of her son, Miles McNulty, a minor.

WHEREFORE, the Plaintiff, KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor, prays for judgment against Defendant, PETCO ANIMAL SUPPLY STORES, INC., in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

COUNT II – STRICT PRODUCTS LIABILITY
KATHRYN McNULTY, individually v. PETCO ANIMAL SUPPLY STORES, INC.
Family Expense Act

1-26. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-27 of Count I of this Complaint at Law as though fully set forth as paragraphs 1-27 of this Count II.

27. By reason of the foregoing, Kathryn McNulty, has incurred or become responsible for substantial medical expenses related to the medical care and treatment of her son, Miles McNulty, for which she is entitled to be compensated pursuant to the Family Expense Act (750 ILCS 65/15).

WHEREFORE, the Plaintiff, KATHRYN McNULTY, individually, prays for judgment against Defendant, PETCO ANIMAL SUPPLY STORES, INC., in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

COUNT III – NEGLIGENCE
KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor v.
PETCO ANIMAL SUPPLY STORES, INC. and THOMAS GALLOY

1-24. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-24 of Count I of this Complaint at Law as though fully set forth here as paragraphs 1-24 of this Count III.

25. At all times relevant, and by July 3, 2019, Defendant, PETCO ANIMAL SUPPLY STORES, INC., by and through its employees and/or agents, including its store manager,

THOMAS GALLOY, knew or should have known that the bulk pig ear dog treats that it made available to customers at its Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, were contaminated with salmonella.

26. By July 3, 2019, when the FDA and CDC began an investigation into a link between contaminated bulk pig ear treats sold in retail pet stores across the country and human cases of salmonella, Defendant, PETCO ANIMAL SUPPLY STORES, INC., by and through its employees and/or agents, including its store manager, THOMAS GALLOY, knew or should have known that the bulk pig ear dog treats that it made available to customers at its Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, posed a risk of salmonella infection or illness to customers and invitees that handled them.

27. By July 9, 2019, when major news outlets such as USA Today reported that a multi-state outbreak of Salmonella infections linked to exposure to contaminated pig ear treats had infected 45 people across 13 states, including Illinois, Defendant, PETCO ANIMAL SUPPLY STORES, INC., knew or should have known that the bulk pig ear dog treats that it made available to customers at its Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, posed a risk of salmonella infection or illness to customers and invitees that handled them.

28. By July 17, 2019, when the CDC reported that 93 people across 27 states had become infected with Salmonella due to coming in contact with the contaminated pig ears, over 20% of which were children less than 5 years old, Defendant, PETCO ANIMAL SUPPLY STORES, INC., knew or should have known that the bulk pig ear dog treats that it made available to customers at its Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, posed a risk of salmonella infection or illness to customers and invitees that handled them.

29. On July 25, 2019 and at all times relevant, Defendant, PETCO ANIMAL SUPPLY STORES, INC., by and through its employees and/or agents, including its store manager, THOMAS GALLOY and others, owed a duty to Plaintiff and others to exercise reasonable care in the ownership, operation, management, and control of its stores, including Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, and its sale and distribution of its products so as not to cause injury to its customers, invitees, and others on the property, including Plaintiff.

30. On July 25, 2019, and at all times relevant, Defendant, THOMAS GALLOY, was the employee and/or agent of Defendant, PETCO ANIMAL SUPPLY STORES, INC. with responsibility for ensuring products available for sale in the store were safe.

31. On July 25, 2019, and at all times relevant, Defendant, THOMAS GALLOY, was the employee and/or agent of Defendant, PETCO ANIMAL SUPPLY STORES, INC. with responsibility for ensuring unsafe, defective, or recalled products were removed from store shelves.

32. On July 25, 2019, and at all times relevant, Defendant, PETCO ANIMAL SUPPLY STORES, INC., by and through its employees and/or agents, including its store manager, THOMAS GALLOY and others, owed a duty to Plaintiff and others to exercise reasonable care in the ownership, operation, management, and control of its stores, including Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, to warn its customers, invitees, and others on the property of the potential to exposure to illness or infection posed by one of the products that Defendant made available for sale.

33. Defendant, PETCO ANIMAL SUPPLY STORES, INC., by and through its employees and/or agents, including its store manager, THOMAS GALLOY and others, breached its duties in one or more of the following ways:

- (a) Failed to remove salmonella-contaminated bulk pig ear dog treats from its shelves and/or make them inaccessible to customers, invitees, and others on the property after the FDA and CDC began an investigation into a link between contaminated bulk pig ear treats sold in retail pet stores across the country and human cases of salmonella on July 3, 2019;
- (b) Failed to remove salmonella-contaminated bulk pig ear dog treats from its shelves and/or make them inaccessible to customers, invitees, and others on the property when major news outlets such as USA Today reported that a multi-state outbreak of Salmonella infections linked to exposure to contaminated pig ear treats had infected 45 people across 13 states, including Illinois, on July 9, 2019;
- (c) Failed to remove salmonella-contaminated bulk pig ear dog treats from its shelves and/or make them inaccessible to customers, invitees, and others on the property after the CDC reported that 93 people across 27 states had become infected with Salmonella due to coming in contact with the contaminated pig ears, over 20% of which were children less than 5 years old on July 17, 2019;
- (d) Failed to remove the salmonella-contaminated bulk pig ear dog treats from its shelves and/or make them inaccessible to customers, invitees, and others on the property at any time prior to July 25, 2019;
- (e) Failed to warn customers, invitees, and others on the property about the potential exposure to salmonella due to exposure to contaminated bulk pig ear dog treats;
- (f) Failed to restrict access to salmonella-contaminated bulk pig ear dog treats by customers, and particularly to children, when Defendant knew or should have known that continuing to make the product available to customers would create an unreasonable risk of harm to customers, invitees, and others on the property; and
- (g) Otherwise carelessly and negligently failed to ensure customers, invitees, and others on the premises were not exposed to illness or infection due to contact with products Defendant makes available for sale to customers.

34. As a direct and proximate result of his exposure to the subject salmonella-contaminated pig ear dog treats while at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, Miles McNulty became infected with Salmonella, resulting in a 5-day inpatient hospitalization and additional medical care and treatment.

35. As a direct and proximate result of his exposure to the unreasonably dangerous salmonella-contaminated pig ear dog treats, Miles McNulty endured conscious physical and mental pain and suffering, and will in the future endure conscious physical and mental pain and suffering; Miles has suffered disability and loss of a normal life and will in the future suffer disability and loss of a normal life as a result of the occurrence.

36. Kathryn McNulty brings this action to recover against Defendant on behalf of her son, Miles McNulty, a minor.

WHEREFORE, the Plaintiff, KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor, prays for judgment against Defendants, PETCO ANIMAL SUPPLY STORES, INC. and THOMAS GALLOY, in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

COUNT IV – NEGLIGENCE
KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor v.
PETCO ANIMAL SUPPLY STORES, INC. and THOMAS GALLOY
Family Expense Act

1-35. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-35 of Count III of this Complaint at Law as though fully set forth as paragraphs 1-35 of this Count IV.

36. By reason of the foregoing, Kathryn McNulty, has incurred or become responsible for substantial medical expenses related to the medical care and treatment of her son, Miles McNulty, for which she is entitled to be compensated pursuant to the Family Expense Act (750 ILCS 65/15).

WHEREFORE, the Plaintiff, KATHRYN McNULTY, individually, prays for judgment against Defendants, PETCO ANIMAL SUPPLY STORES, INC. and THOMAS GALLOY in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

COUNT V – STRICT PRODUCTS LIABILITY

KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor v.
REDBARN PET PRODUCTS, LLC

1-19. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-19 of the “Parties” and “Facts common to all counts” sections above, as though fully set forth here as paragraphs 1-19 of this Count V.

20. Before July 25, 2019, Defendant, REDBARN PET PRODUCTS, LLC, placed the subject bulk pig ear dog treats into the stream of commerce to customers in Chicago, Cook County, Illinois.

21. Before July 25, 2019, Defendant, REDBARN PET PRODUCTS, LLC, manufactured, designed, marketed and sold bulk pig ear dog treats to Defendant, PETCO ANIMAL SUPPLY STORES, INC. for sale to Petco’s customers

22. The bulk pig ear dog treats made available for sale by Defendant, PETCO ANIMAL SUPPLY STORES, INC. at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois on and prior to July 25, 2019 were manufactured by Defendant, REDBARN PET PRODUCTS, LLC.

23. Defendant, REDBARN PET PRODUCTS, LLC supplied the bulk pig ear dog treats that were available for sale by Defendant, PETCO ANIMAL SUPPLY STORES, INC. at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois on July 25, 2019.

24. The bulk pig ear dog treats that were available for sale by Defendant, PETCO ANIMAL SUPPLY STORES, INC. at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois on and prior to July 25, 2019 were distributed to PETCO ANIMAL SUPPLY STORES, INC. by Defendant, REDBARN PET PRODUCTS, LLC.

25. The bulk pig ear dog treats that were available for sale at Defendant PETCO ANIMAL SUPPLY STORES, INC. at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois on and prior to July 25, 2019, were contaminated with salmonella.

26. Defendant, REDBARN PET PRODUCTS, LLC, placed the subject salmonella-contaminated bulk pig ear dog treats into the stream of commerce in Cook County, Illinois.

27. At the time, Defendant, REDBARN PET PRODUCTS, LLC, placed the subject salmonella-contaminated bulk pig ear dog treats into the stream of commerce, they were contaminated with salmonella, and were therefore defective.

28. At the time the product left its control, Defendant, REDBARN PET PRODUCTS, LLC, the subject salmonella-contaminated bulk pig ear dog treats were contaminated with salmonella and were therefore defective.

29. At all times relevant, and by at least July 3, 2019, Defendant, REDBARN PET PRODUCTS, LLC, knew or should have known that the bulk pig ear dog treats that it made available for sale to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois were contaminated with salmonella.

30. At all times relevant, and by at least July 3, 2019, it was reasonably foreseeable to Defendant that customers would become exposed to salmonella and risk becoming infected with salmonella through contact with salmonella-contaminated bulk pig ear dog treats made available for sale to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois.

31. At the time Defendant, REDBARN PET PRODUCTS, LLC, placed the subject bulk pig ear dog treats into the stream of commerce, the bulk pig ear dog treats were contaminated with salmonella and therefore were unreasonably dangerous, unsafe, and the risks of selling them to customers outweighed the benefits of the product in one or more of the following ways:

- (a) The product presented an unreasonable risk of salmonella exposure to Defendant's customers through exposure to bulk pig ear dog treats contaminated with salmonella;
- (b) Created an unreasonable risk of harm to Defendant's customers by continuing to make the contaminated pig ear dog treats available and accessible to customers;
- (c) Exposed customers and individuals, including Miles McNulty to an unnecessary and unreasonable risk of contracting an infection caused by exposure to salmonella;
- (d) Failed to warn users of the unreasonably dangerous condition posed by exposure to salmonella-contaminated pig ear dog treats.

32. As a direct and proximate result of his exposure to the subject salmonella-contaminated pig ear dog treats while at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, Miles McNulty became infected with Salmonella, resulting in a 5-day inpatient hospitalization and additional medical care and treatment.

33. As a direct and proximate result of his exposure to the unreasonably dangerous salmonella-contaminated pig ear dog treats, Miles McNulty endured conscious physical and mental pain and suffering, and will in the future endure conscious physical and mental pain and suffering; Miles has suffered disability and loss of a normal life and will in the future suffer disability and loss of a normal life as a result of the occurrence.

34. Kathryn McNulty brings this action to recover against Defendant on behalf of her son, Miles McNulty, a minor.

WHEREFORE, the Plaintiff, KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor, prays for judgment against Defendant, REDBARN PET PRODUCTS, LLC, in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

COUNT VI – STRICT PRODUCTS LIABILITY
KATHRYN McNULTY, individually v. REDBARN PET PRODUCTS, LLC
Family Expense Act

1-33. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-33 of Count V of this Complaint at Law as though fully set forth here as paragraphs 1-33 of this Count VI.

34. By reason of the foregoing, Kathryn McNulty, has incurred or become responsible for substantial medical expenses related to the medical care and treatment of her son, Miles McNulty, for which she is entitled to be compensated pursuant to the Family Expense Act (750 ILCS 65/15).

WHEREFORE, the Plaintiff, KATHRYN McNULTY, individually, prays for judgment against Defendant, REDBARN PET PRODUCTS, LLC, in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

COUNT VII - NEGLIGENCE
KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor v.
REDBARN PET PRODUCTS, LLC

1-30. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-30 of Count V of this Complaint at Law as though fully set forth here as paragraphs 1-30 of this Count VII.

31. At the time the product left control of Defendant, REDBARN PET PRODUCTS, LLC, Defendant knew or should have known that the bulk pig ear dog treats it distributed and that were ultimately made available to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, were contaminated with salmonella.

32. At all times relevant, and by July 3, 2019, Defendant, REDBARN PET PRODUCTS, LLC, knew or should have known that the bulk pig ear dog treats it distributed and that were ultimately made available to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, were contaminated with salmonella.

33. At all times relevant, and by July 3, 2019, when the FDA and CDC began an investigation into a link between contaminated bulk pig ear treats sold in retail pet stores across

the country and human cases of salmonella, Defendant, REDBARN PET PRODUCTS, LLC, knew or should have known that the bulk pig ear dog treats that it distributed and that were ultimately available to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, posed a risk of salmonella infection or illness to customers and invitees that handled them.

34. By July 9, 2019, when major news outlets such as USA Today reported that a multi-state outbreak of Salmonella infections linked to exposure to contaminated pig ear treats had infected 45 people across 13 states, including Illinois, Defendant, REDBARN PET PRODUCTS, LLC, knew or should have known that the bulk pig ear dog treats that it distributed and that were ultimately available to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, posed a risk of salmonella infection or illness to customers and invitees that handled them.

35. By July 17, 2019, when the CDC reported that 93 people across 27 states had become infected with Salmonella due to coming in contact with the contaminated pig ears, over 20% of which were children less than 5 years old, Defendant, REDBARN PET PRODUCTS, LLC, knew or should have known that the bulk pig ear dog treats that it distributed and that were ultimately available to customers at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, posed a risk of salmonella infection or illness to customers and invitees that handled them.

36. At all times relevant, it was reasonably foreseeable to Defendant, REDBARN PET PRODUCTS, LLC, that its contaminated products would cause illness or infection to customers of companies that carried its product.

37. On July 25, 2019 and at all times relevant, Defendant, REDBARN PET PRODUCTS, LLC, owed a duty to Plaintiff and others to exercise reasonable care in the design, manufacture, distribution, and sale of its products, including the salmonella-contaminated bulk pig

ear dog treats sold at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, so as not to cause injury to its customers, invitees, and others on the property, including Plaintiff.

38. On July 25, 2019 and at all times relevant, Defendant, REDBARN PET PRODUCTS, LLC, owed a duty to Plaintiff and others to exercise reasonable care to warn others of the unreasonable risk of harm posed by its products, including the salmonella-contaminated bulk pig ear dog treats sold at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, so as not to cause injury to its customers, invitees, and others on the property, including Plaintiff.

39. On July 25, 2019 and at all times relevant, Defendant, REDBARN PET PRODUCTS, LLC, owed a duty to Plaintiff and others to warn of the unreasonable risks of harm caused by its products.

40. Defendant, REDBARN PET PRODUCTS, LLC, breached its duties in one or more of the following ways:

- (a) Failed to recall salmonella-contaminated bulk pig ear dog treats after the FDA and CDC began an investigation into a link between contaminated bulk pig ear treats sold in retail pet stores across the country and human cases of salmonella on July 3, 2019;
- (b) Failed to recall salmonella-contaminated bulk pig ear dog treats when major news outlets such as USA Today reported that a multi-state outbreak of Salmonella infections linked to exposure to contaminated pig ear treats had infected 45 people across 13 states, including Illinois, on July 9, 2019;
- (c) Failed to recall salmonella-contaminated bulk pig ear dog treats after the CDC reported that 93 people across 27 states had become infected with Salmonella due to coming in contact with the contaminated pig ears, over 20% of which were children less than 5 years old on July 17, 2019;
- (d) Failed to recall the salmonella-contaminated bulk pig ear dog treats at any time prior to July 25, 2019;
- (e) Failed to properly warn Plaintiff and others about the potential exposure to salmonella due to exposure to contaminated bulk pig ear dog treats;
- (f) Failed to have appropriate systems in place in its factories, plants, and facilities to prevent its products from being contaminated;

- (g) Failed to have appropriate systems in place to identify contaminated products and prevent contaminated products from entering the stream of commerce;
- (h) Negligently and carelessly caused or allowed its products to become contaminated with salmonella; and
- (f) Otherwise carelessly and negligently failed to ensure Plaintiff and others were not exposed to illness or infection due to contact with products Defendant makes available for sale to customers.

41. As a direct and proximate result of Defendant, REDBARN PET PRODUCTS, LLC's negligent and/or careless acts and/or omissions, Miles McNulty became infected with Salmonella due to exposure to the subject salmonella-contaminated pig ear dog treats while at Petco Store #1990 at 9670 S. Western Avenue in Chicago, Illinois, resulting in a 5-day inpatient hospitalization and additional medical care and treatment.

42. As a direct and proximate result of Defendant, REDBARN PET PRODUCTS, LLC's negligent and/or careless acts and/or omissions, Miles McNulty endured conscious physical and mental pain and suffering, and will in the future endure conscious physical and mental pain and suffering; Miles has suffered disability and loss of a normal life and will in the future suffer disability and loss of a normal life as a result of the occurrence.

43. Kathryn McNulty brings this action to recover against Defendant on behalf of her son, Miles McNulty, a minor.

WHEREFORE, the Plaintiff, KATHRYN McNULTY, as mother and next friend of MILES McNULTY, a minor, prays for judgment against Defendant, REDBARN PET PRODUCTS, LLC, in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

COUNT VIII – NEGLIGENCE
KATHRYN McNULTY, individually v. REDBARN PET PRODUCTS, LLC
Family Expense Act

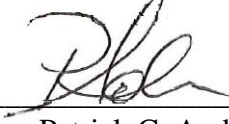
1-42. Plaintiff adopts, realleges, and incorporates by reference paragraphs 1-42 of Count VII of this Complaint at Law as though fully set forth here as paragraphs 1-42 of this Count VIII.

43. By reason of the foregoing, Kathryn McNulty, has incurred or become responsible for substantial medical expenses related to the medical care and treatment of her son, Miles McNulty, for which she is entitled to be compensated pursuant to the Family Expense Act (750 ILCS 65/15).

WHEREFORE, the Plaintiff, KATHRYN McNULTY, individually, prays for judgment against Defendant, REDBARN PET PRODUCTS, LLC, in an amount in excess of \$50,000.00, the jurisdictional limits of this Court, plus the costs of this suit.

Respectfully submitted,

SHANNON LAW GROUP, P.C.

By: 
Patrick C. Anderson

Jack Cannon
Patrick C. Anderson
SHANNON LAW GROUP, P.C.
135 S. LaSalle St., Ste. 2200
Chicago, Illinois 60603
(312) 578-9501
(312) 268-5474 (fax)
panderson@shannonlawgroup.com
jcannon@shannonlawgroup.com
Firm I.D.#: 43550